

BOARD OF PAROLE HEARINGS

En Banc Decisions

Tuesday, November 16 2010

Compassionate Release -- Penal Code section 1170(e)

Pursuant to Government Code section 11126(c)(4)

GRANGER, Phillip Gary

J85825

Compassionate Release

Motion: DECLINE TO REFER TO COURT FOR CONSIDERATION OF SENTENCE
RECALL BECAUSE:
THE CONDITIONS UNDER WHICH THE PRISONER WOULD BE RELEASED
OR RECEIVE TREATMENT POSE A THREAT TO PUBLIC SAFETY AS
REFERENCED IN PENAL CODE SECTION 1170(E)(2)(B).
MR. GRANGER'S UNSATISFACTORY INSTITUTIONAL ADJUSTMENT,
LENGTHY CRIMINAL HISTORY, INCLUDING CONTINUOUS SEXUAL
ABUSE OF A CHILD UNDER 14 YEARS OF AGE, COUPLED WITH HIS
ABILITY TO AMBULATE, RENDER HIM A THREAT TO PUBLIC SAFETY.

Motion by: Gillingham

Second by: Anderson, Jr.

Aye: Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham,
Melanson, Peppler, Prizmich

Nay:

Abstain:

Not Present: Peck

Decision: Decline to Refer

OPORTO, Lupe Relibasquez

P14245

Compassionate Release

Motion: REFER TO COURT FOR CONSIDERATION OF SENTENCE RECALL
BECAUSE:
THE PRISONER IS TERMINALLY ILL AS DEFINED IN PENAL CODE
SECTION 1170(E)(2)(A). THE CONDITIONS UNDER WHICH THE
PRISONER WOULD BE RELEASED OR RECEIVE TREATMENT DO NOT
POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE
SECTION 1170(E)(2)(B).

Motion by: Anderson, Jr.

Second by: Garner

Aye: Anderson, Jr., Doyle, Garner, Gillingham, Melanson, Peppler

Nay: Arbaugh, Branch, Ferguson, Prizmich

Abstain:

Not Present: Peck

Decision: Refer to Court

RISING, James Bryant

H01106

Compassionate Release

Motion: REFER TO COURT FOR CONSIDERATION OF SENTENCE RECALL
BECAUSE:
THE PRISONER IS TERMINALLY ILL AS DEFINED IN PENAL CODE
SECTION 1170(E)(2)(A). THE CONDITIONS UNDER WHICH THE
PRISONER WOULD BE RELEASED OR RECEIVE TREATMENT DO NOT
POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE
SECTION 1170(E)(2)(B).

Motion by: Gillingham

Second by: Melanson

Aye: Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham,
Melanson, Peppler
Prizmich

Nay:

Abstain:

Not Present: Peck

Decision: Refer to Court

TAYLOR, George Carson Jr	C19150	Compassionate Release
Motion:	DECLINE TO REFER TO COURT FOR CONSIDERATION OF SENTENCE RECALL BECAUSE: THE CONDITIONS UNDER WHICH THE PRISONER WOULD BE RELEASED OR RECEIVE TREATMENT POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE SECTION 1170(E)(2)(B). MR. TAYLOR'S INSTITUTIONAL DISCIPLINARY HISTORY INCLUDES ASSAULT, INCLUDING ATTEMPTED ASSAULT ON A CORRECTIONAL OFFICER AND RESISTING A PEACE OFFICER, NECESSITATING USE OF FORCE. AS THIS INMATE IS AMBULATORY, HE PRESENTS A THREAT TO PUBLIC SAFETY.	
Motion by:	Peppler	
Second by:	Melanson	
Aye:	Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peppler, Prizmich	
Nay:		
Abstain:		
Not Present:	Peck	
Decision:	Decline to Refer	

En Banc Review

Pursuant to Government Code section 11126(c)(4)

OLIVEIRA, Jose Helder	H37129	Split Suitability Hearing Decision
Motion:	UNSUITABLE FOR PAROLE FOR 3 YEARS BASED UPON ALL REASONS CITED BY THE COMMISSIONER AT THE SEPTEMBER 29, 2010, HEARING, WITH THE EXCEPTION OF THE COMMITMENT OFFENSE.	
Motion by:	Garner	
Second by:	Peppler	
Aye:	Anderson, Jr., Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peppler, Prizmich	
Nay:		
Abstain:		
Not Present:	Arbaugh, Peck	
Decision:	Deny	

SALES, Jon Delacruz Jr	K04899	Referred by Decision Review
Motion:	DISAPPROVE THE AUGUST 4, 2010, PROPOSED DECISION AND SCHEDULE A REHEARING ON THE NEXT AVAILABLE CALENDAR.	
Motion by:	Garner	
Second by:	Melanson	
Aye:	Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peppler, Prizmich	
Nay:		
Abstain:		
Not Present:	Peck	
Decision:	Rehearing	

SCOTT, Orlanzer	K10007	Governor Referred
Motion:	AFFIRM THE JUNE 10, 2010, SUITABILITY DECISION.	
Motion by:	Gillingham	
Second by:	Anderson, Jr.	
Aye:	Anderson, Jr., Arbaugh, Doyle, Ferguson, Garner, Gillingham, Melanson, Peppler, Prizmich	
Nay:		
Abstain:	Branch	
Not Present:	Peck	
Decision:	Affirm	

WILMONT, Dennis Reed

D81305

Governor Referred

Motion: AFFIRM THE JULY 17, 2010, SUITABILITY DECISION.

Motion by: Arbaugh

Second by: Branch

Aye: Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham,
Melanson, Pepler, Prizmich

Nay:

Abstain:

Not Present: Peck

Decision: **Affirm**